

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

EVE DEL CASTELLO

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

SAN FRANCISCO

(c) Attorney's (Firm Name, Address, and Telephone Number)

EVE DEL CASTELLO / IN PROPER
865 SAN JOSE AVE, # 2
SF, CA 94110 (415) 282-0894DEFENDANTS ALAMEDA COUNTY TRANSIT
Parking Enforcement Center B7

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known) Richard E. Winnie (68048)

County Counsel
RAYMOND LANA (21318) Deputy County
Counsel, COUNTY OF ALAMEDA (415) 510-272-
1221 OAK ST, SUITE 450 6700
OAKLAND, CA 94612-4296 (415) 510-272-
5020

ADR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6

Citizen of This State Incorporated or Principal Place of Business in This State
 Citizen of Another State Incorporated and Principal Place of Business in Another State
 Citizen or Subject of a Foreign Country Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Personal Injury	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ft)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/ Disabilities - Employment		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/ Disabilities - Other			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 950 Constitutionality of State Statutes
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 another district (specify)

Transferred from

6 Multidistrict Litigation

7 Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

4TH, 5TH, 8TH & 14th AMENDMENTS TO THE U.S. CONSTITUTION

Brief description of cause:

TIME WORKING IN VEHICLE CONS 40215 DENIES OWNER'S DUE PROCESS

VI. CAUSE OF ACTION

CHECK IF THIS IS A CLASS ACTION DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VII. REQUESTED IN COMPLAINT:

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE

"NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)
(PLACE AND "X" IN ONE BOX ONLY)

DATE 6-18-08

SAN FRANCISCO/OAKLAND

SAN JOSE

SIGNATURE OF ATTORNEY OF RECORD

Eve Del Castello

Miss Eve Del Castillo, In Pro Pern/ (352454)
FILED
06/18/2008 PM 3:20
COURT OF APPEAL
OF CALIFORNIAName and Address
865 SAN JOSE AVE #2

S.F., CA 94110

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BZ

Eve Del Castillo CV

Case No. 08-3012

Eve Del Castillo

Plaintiff / Petitioner

VS.

Alameda County Transit
Parking Enforcement (gentent)

Defendant / Respondent

Document Name:

Demand

To DELETE OF

THE ILLEGAL/UNCONSTITUTIONAL
WONDING IN SECTION(b) OF
VEHICLE CODE 402151. JURISDICTION: THIS COURT HAS JURISDICTION OVER
THIS COMPLAINT BECAUSE IT ARISES UNDER THE LAWS
OF THE U.S.2. VENUE: VENUE IS APPROPRIATE IN THIS COURT
BECAUSE ~~THE DEFENDANT RESIDES~~ IN THIS DISTRICT
AND A SUBSTANTIAL AMOUNT OF THE VIOLATIONS GIVING RISE
TO THIS LAWSUIT OCCURRED IN THIS DISTRICT.3. INTERDISTRICT ASSIGNMENT: THIS LAWSUIT SHOULD BE
ASSIGNED TO THE SAN FRANCISCO DIVISION OF THIS COURT
BECAUSE ALL OF THE VIOLATIONS WHICH GIVE RISE TO THIS
LAWSUIT OCCURRED IN ALAMEDA COUNTY (OAKLAND).4. PLAINTIFF EVE DEL CASTILLO WAS VICTIMIZED, AS WELL
AS OTHERS CURRENTLY, IN THIS STATE, BY BEING DENIED
THE RIGHTS OF DUE PROCESS - 40215 VEHICLE CODE
SECTION (b)... "SHALL DEPOSIT THE AMOUNT OF THE PARKING
PENALTY WITH THE PROCESSING AGENCY" - REGARDLESS OF
ABILITY TO PAY -

(-1-)

Eve Del Castillo

In Pro Per

865 San Jose Ave., #2

San Francisco, CA 94110

(415) 1282-0894

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Eve Del Castillo

Plaintiffs

v. Alameda County Transit

Parking Enforcement Center

Defendant

MEMORANDUM OF
POINTS & AUTHORITIES

5. THE INITIAL WRIT THAT I WAS GRANTED 3-8-07
 16 IN THE SUPERIOR COURT OF CALIFORNIA, OAKLAND
 17 WAS TO HALT THE ALAMEDA COUNTY PARKING ENFORCEMENT
 18 CENTER FROM REQUIRING THAT ALL POSSIBLE FINES BE
 19 PAID IN ADVANCE OF TRIAL (HEARING) BEING ALLOWED.
 20 PLAINTIFF'S RIGHTS TO DUE PROCESS UNDER THE FOURTH,
 21 FIFTH AND EIGHTH AMENDMENTS TO THE U.S. CONSTITUTION,
 22 WHICH HAVE BEEN MADE BINDING ON CALIFORNIA AND
 23 OTHER STATES BY THE FOURTEENTH AMENDMENT.

24
 25 FIFTH AND EIGHTH AMENDMENTS TO THE U.S. CONSTITUTION,
 26 WHICH HAVE BEEN MADE BINDING ON CALIFORNIA AND
 27 OTHER STATES BY THE FOURTEENTH AMENDMENT.

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 29 6. THE WRIT FURTHER INCLUDES THE RIGHT OF PERSON
 30 CHARGED WITH CRIME TO BE RELEASED DURING TRIAL AND
 31 PENDING JUDICIAL REVIEW IS HEAVILY ENFORCED, AND REQUIREMENT
 32 FOR SECURITY BOND MAY, IN A PROPER CASE, BE DISPENSED
 33 WITH FED. RULES CRIM. PROC. RULE 46 [d], 18 U.S.C.A.
 34 BRADY V. U.S., 81 S. CT. 197, 5 L. ED. 2d. 218

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 36 7. NO PERSON SHOULD ^{BE} DENIED RELEASE, PENDING JUDICIAL
 37 REVIEW, BECAUSE OF INDIQUENCE, AND HE IS ENTITLED TO RELEASE
 38 ON PERSONAL RECOGNIZANCE WITHIN OTHER RELEVANT FACTORS MAKE
 39 IT REASONABLE TO BELIEVE THAT HE COMPLY WITH ORDERS OF
 40 COURT BRADY V. U.S., 82 S. CT. 11, 7 L. ED. 2d 9.

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 42 8. DOUBT WHETHER BAIL SHOULD BE GRANTED OR DENIED
 43 SHOULD ALWAYS BE RESOLVED IN FAVOR OF DEFENDANT.
 44 FED. RULES CRIM. PROC. RULE 46 (a)(2), 18 U.S.C.A., U.S.C.A.
 45 CONST. AMEND.

1 EVE DEL CASTELLO
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11 Alameda County Transit
12 Parking Enforcement Center
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461 Memorandum of
2 POINTS & AUTHORITIES
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..... continued

9. AMENDED ORDER 3-14-07 allowed ~~ME~~ TO
 REQUEST A HEARING BY 3-19-07 + OBTAIN A WAIVER
 OR ADVANCE PAYMENT. SO, I RESPONDED IN A LETTER
 ON 4-19-07. THE LETTER INCLUDED THE FACT
 THAT THE CENTER'S POLICY + VEHICLE CODE 40125
 (WHEELING SECTION (b)) RELEVANT TO THIS CURRENT CASE IS
 UNCONSTITUTIONAL - PAYING FINES IS AN ADMISSION OF
GUILT - Article I, sect. 15, c.1. Privilege Against Self-Incrimination. IN GENERAL - HABEAS CORPUS PROCEEDING
 IS CIVIL IN NATURE FOR THE PURPOSES OF THE PRIVILEGE
AGAINST SELF-INCRIMINATION IN RE SCOTT (2003) 29 CAL 4TH
 783, 129 CAL RPTA 2D 605, 61 P3d 402

10. ON THE ISSUE OF MONEY - WHETHER A PERSON
 HAS ENOUGH OR NOT AT ALL - Article I, section 12
BAIL - RELEASE ON OWN RECOGNIZANCE - A PERSON SHALL BE
 RELEASED ON BAIL BY SUFFICIENT SUMS, EXCEPTIONS (a) CAPITAL
 CRIMES (b) FELONY OFFENSES, ETC.

11. THE LETTER LASTLY MENTIONED THE CALIFORNIA STATE
 CONSTITUTION IS STILL RELEVANT + THE 14TH AMENDMENT
 PROTECTING IT ALSO - Article I section 7, II, B - PROCEDURAL
Due Process I. Notice Requirements 21. IN GENERAL - A
 SUMMONS OBTAINED WITHOUT SERVICE OF SUMMONS OR
 VOLUNTARY APPEARANCE BY DEFENDANT DOES NOT CONSTITUTE
Due Process. BELCHER V. CHAMBERS 1879 53 CAL 635 - AND
 REMOVED OTHERWISE SINCE.

EVE DEL CASTILLO

Alameda County Sheriff
Parking Enforcement Center

Memorandum OR
Points of Authorities

#12 - #14

12. On April 27, 2007 was the order after my letter saying Article Code 40215 was constitutional based on Tyler v. County of Alameda (1995) 34 Cal. App. 4th 777. So it became Case A117981, Div. 2 of 1st Appellate District Court - closing brief filed 11-7-07 - which I saw the Tyler case was work in its ~~statutes~~ STATUTES section. The 1st Appellate based its denial on Tyler case followed by the 6th Appellate Dist. in Love v. City of Monterey (1995) 37 Cal. App. 4th 562, 564 (Love).

13: ~~13~~ (14th), I had received a hearing on the ticket at the time by a small claims judge in Berkeley & it was dismissed. In my Reply to Answer of Respondent's Motion for Review, Supreme Court S16254 filed 5-09-08 - I discussed how abusive the hearing in San Leandro, alone with a hearing officer, was before the hearing in Berkeley. SEE POINT 6 "PENDING JUDICIAL REVIEW IS HEAVILY FAVORED." BARRY v. U.S. Also, MATTHEWS v. ELDRIDGE [1970] 424 U.S. 319 was cited. S16254.

14. That Ticket was as a result of Officer's misconduct & "No Probable Cause" & it did not have anything written on it about own RIGHTS to fill out a ~~waiver~~ or fees "Vehicle Code 40215 section (7). And, the form I filled out to get the hearing in San Leandro said if I was guilty I'd have to pay in full. That's also illegal according to 40215 (7) Deering Pocket Supplement 2008.

— Eve Del Castello
EVE DEL CASTELLO

-4-

6-18-08
Date

EVE DEL CASTILLO

PLAINTIFF

v.

ALAMOGORDO COUNTY TRANSIT
PARKING ENFORCEMENT CENTER

DECLARATION OF
EVE DEL CASTILLO
IN SUPPORT OF
COMPLAINT

① Exhibit A ATTACHED TO THIS DOCUMENT (DECLARATION)

I IDENTIFY AS A TRUE AND CORRECT COPY
OF VEHICLE CODE 40215. (1) & (2)

② Exhibit B ATTACHED TO THIS DECLARATION I

IDENTIFY AS A TRUE AND CORRECT COPY OF
THE PARTITION FOR WRIT GRANTED/ORDER.

DECLARE

I HEREBY ~~STATE~~ SWORN UPON PENALTY OF
PERJURY THAT THE FORGOING IS TRUE AND CORRECT.
EXECUTED ON JUNE 18, 2008.

Eve Del Castillo
EVE DEL CASTILLO

EXHIBIT A**§ 40215. Initial review of notice of parking violation; Administrative hearing process; Time limits**

(a) For a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation, a person may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the issuing agency shall cancel the notice of parking violation or notice of delinquent parking violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice.

(b) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the issuing agency's initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit the amount of the parking penalty with the processing agency. The issuing agency shall provide a written procedure to allow a person to request an administrative hearing without payment of the parking penalty upon satisfactory proof of an inability to pay the amount due. Notice of this procedure shall be provided to all persons requesting an administrative hearing. After January 1, 1996, an administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to this article. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(c) The administrative hearing process shall include the following:

- (1) The person requesting a hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within the jurisdiction of the issuing agency. If an issuing agency contracts with an administrative provider, hearings shall be held within the jurisdiction of the issuing agency or no more than 21 miles outside the county.
- (2) If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for the parking violation without the necessity of the appointment of a guardian. The processing agency may proceed against the minor in the same manner as against an adult.

(3) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested parking violations.

(4) (A) The issuing agency's governing body or chief executive officer shall appoint or contract with qualified examiners or administrative hearing providers that employ qualified examiners to conduct the administrative hearings. Examiners shall demonstrate those qualifications, training, and objectivity necessary to conduct a fair and impartial review. An examiner shall not be employed, managed, or controlled by a person whose primary duties are parking enforcement, parking citation, processing, collection, or issuance. The examiner shall be separate and independent from the citation collection or processing function. An examiner's continued employment, performance evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of fines collected by the examiner.

(B) Examiners shall have a minimum of 20 hours of training. The examiner is responsible for the costs of the training. The issuing agency may reimburse the examiner for those costs. Training may be provided through (i) an accredited college or university, (ii) a program conducted by the Commission on Peace Officer Standards and Training, (iii) American Arbitration Association or a similar established organization, or (iv) through any program approved by the governing board of the issuing agency, including a program developed and provided by, or for, the agency. Training programs may include topics relevant to the administrative hearing, including, but not limited to, applicable laws and regulations, parking enforcement procedures, due process, evaluation of evidence, hearing procedures, and effective oral and written communication. Upon the approval of the governing board of the issuing agency, up to 12 hours of relevant experience may be substituted for up to 12 hours of training. In addition, up to eight hours of the training requirements described in this subparagraph may be credited to an individual, at the discretion of the governing board of the issuing agency, based upon training programs or courses described in (i) to (iv), inclusive, that the individual attended within the last five years.

(5) The officer or person who issues a notice of parking violation shall not be required to participate in an administrative hearing. The issuing agency shall not be required to produce any evidence other than the notice of parking violation or copy thereof and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be *prima facie* evidence of the violation.

(6) The examiner's decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail.

(7) Following a determination by the examiner that a person has committed the violation, the examiner may allow payment of the parking penalty in installments, or an issuing agency may allow for deferred payment or allow for payments in installments, if the person provides evidence satisfactory to the examiner or the issuing agency, as the case may be, of an inability to pay the parking penalty in full. If authorized by the governing board of the issuing agency, the examiner may permit the performance of community service in lieu of payment of a parking penalty.

(d) The provisions of this section relating to the administrative appeal process do not apply to an issuing agency that is a law enforcement agency if the issuing agency does not also act as the processing agency.

Added Stats 1995 ch 734 § 15 (AB 1228). *CONSTITUTIONALITY OF THE ISSUING AGENCY*

Former Sections: *CONSTITUTIONALITY OF THE ISSUING AGENCY*. Former § 40215, similar to the present section, was added Stats 1992 ch 1244 § 26, operative July 1, 1993, amended Stats 1993 ch 1093 § 10, and repealed Stats 1995 ch 734 § 14. Former § 40215, similar to the present section, was added Stats 1986 ch 939 § 15, amended Stats 1987 ch 852 § 3, Stats 1989 ch 750 § 5, and repealed Stats 1992 ch 1244 § 25, operative July 1, 1993.

Historical Derivation: *CONSTITUTIONALITY OF THE ISSUING AGENCY*. Former Veh C § 40200.7, as added Stats 1992 ch 1244 § 14, amended Stats 1993 ch 1093 § 7.

Cross References: Promise to appear to contest notice of violation: Veh C § 40200.7.

Collateral References: Winkin & Epstein, Criminal Law (2d ed) § 1961.

Attorney General's Opinions: Notice of Delinquent Parking. Violation will not serve as basis for issuance of warrant of arrest for violation of Veh C § 40508. 70 Ops Atty Gen Cal 316.

NOTES OF DECISIONS

The statutory scheme for contesting parking tickets, pursuant to which the person contesting a ticket must pay the parking penalty before an administrative hearing is held (Veh. Code, § 40200.7), does not violate due process requirements, and an evidentiary hearing need not be held before the contestant deposits the parking penalty. Although the contestant's interest in his or her money is significant, the amount of money imposed as a parking penalty is not so great as to render the deprivation a serious loss, and any deprivation is temporary, since, if the contestant prevails at the hearing, the penalty is refunded. A prompt postdeprivation hearing is available to correct an administrative error and the predeprivation procedure is sufficient to provide a reasonably reliable basis for concluding that the facts justifying the official action are as a responsible governmental official warrants them to be. Moreover, the risk of error is alleviated by the initial review procedure (Veh. Code, §§ 40200.7, 40215, subd. (a)(1)), which occurs before deposit of the penalty. Even though the government interest in obtaining the parking penalties in advance of the hearing is weak, there is a government interest

imposed only when the delinquent parking ticket goes unpaid beyond a specified grace period. It would make no sense to impose an administrative fee on a contestant who has paid the parking penalty in advance of administrative review, while imposing no administrative fee on a parking violator who does not pay the parking penalty until after receiving notice of the delinquent ticket. *Tyler v. County of Alameda* (1995, 1st Dist) 34 Cal App 4th 777, 40 Cal Rptr 2d 643.

The statutory scheme for contesting parking tickets, pursuant to which plaintiff was required to pay the parking penalty (§275) before the administrative hearing (Veh. Code, § 40200.7), did not deprive her of due process of law under either the federal or the state Constitution. Although the procedure did constitute a deprivation of property, two important government purposes—prompt collection of fines and deterrence of dilatory and frivolous challenges to parking tickets—at least counterbalanced, if not outweighed, the private interest in retaining a parking penalty until after the adversary administrative review. The risk of an erroneous deprivation of property did not outweigh the governmental interest involved, even though the government derived revenue from parking tickets and the first investigative stage was conducted by the same agency that issued the citation. The citation gives the violator an opportunity to gather evidence contemporaneous with the charged violation, and, in

Monterey (1995, 6th Dist) 37 Cal App 4th 562, 43 Cal Rptr 2d 911.

In determining whether the statutory scheme (Veh. Code, § 40200.7) requiring persons cited for parking violations to deposit the amount of the parking penalty in order to contest the parking ticket at an administrative hearing, violates due process, a balancing test is applicable. Due process, unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place, and circumstances, but is flexible and calls for such procedural protections as the particular situation demands. Accordingly, resolution of the issue whether the procedures were constitutionally sufficient required analysis of the governmental and private interests affected. Depending on the nature of the private interest affected, something less than an evidentiary hearing is sufficient prior to adverse administrative action. *Love v. City of Monterey* (1995, 6th Dist) 37 Cal App 4th 562, 43 Cal Rptr 2d 911.

§ 40219. [Section repealed 1987.]

Added Stats 1986 ch 939 § 15. Repealed Stats 1987 ch 852 § 4. The repealed section related to the agency's inquiry as to the owner's compliance with requirements for releasing liability.

§ 40220. Options for collection of unpaid parking penalties

Except as otherwise provided in Sections 40221 and 40222, the processing agency shall proceed under only one of the following options in order to collect an unpaid parking penalty:

(a) File an itemization of unpaid parking penalties and service fees with the department for collection with the registration of the vehicle pursuant to Section 4760.

(b) If more than four hundred dollars (\$400) in unpaid penalties and fees have been accrued by any person or registered owner, proof thereof may be filed with the court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of an unpaid civil judgment entered against a defendant in an action on a debtor. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The processing agency shall send a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid penalties, fees, and costs and that, after 21 calendar days from the date of the mailing of the notice, the judgment shall have the

RICHARD E. WINNIE [58048]
 County Counsel
 RAYMOND S. LARA [213181]
 Deputy County Counsel
 County of Alameda
 1221 Oak Street, Suite 450
 Oakland, California 94612-4296

5527101

Eve Del Castello
 865 San Jose Ave #2
 San Francisco, CA 94110

Parking

ExhibitB

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Del Castello	Plaintiff/Petitioner(s)	No. RG06283347
VS.		Order
Alameda County Transit Parking Enforcement C	Defendant/Respondent(s)	Petition for Writ
	(Abbreviated Title)	Granted

The Petition for Writ was set for hearing on 03/08/2007 at 02:00 PM in Department 31 before the Honorable Frank Roesch. The Tentative Ruling required that the parties appear, and the matter came on regularly for hearing.

Petitioner Eve Del Castello appeared in Pro per. Respondant Alameda County Transit Parking Enforcement Center appeared by counsel Raymond S. Lara.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The Petition of Eve Del Castello for Writ of Mandate is GRANTED. The matter is referred back to Alameda County Transit Parking Enforcement Center to allow Petitioner to request an administrative hearing. The Petitioner shall have until March 19, 2007 to request the hearing.

Dated: 03/08/2007



Judge Frank Roesch

Order

Del Castello

US.

Alameda County Transit
Parking Enforcement Center

Prayer for Relief

THIS CASE STARTED IN AUGUST OF 2006
AND I WISH TO BE REIMBURSED FOR THE
TRAVELING, POSTAGE & PRINTING EXPENSE AS WELL
AS THE HOURS & HOURS OF LABOR INVOLVED. IF
IT HAS BEEN AN ABUSIVE AND INSULTING CASE TO
SURVIVE. THEREFORE, PLAINTIFF REQUESTS ALL
RELIEF TO WHICH THE PLAINTIFF IS ENTITLED.

Eve Del Castello
EVE DEL CASTELLO

6-18-08
Date